



# UNITED STATES PATENT AND TRADEMARK OFFICE

Witt  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,408	11/03/2003	Brigit Ananya	2652.03	5725
7590	03/22/2005		EXAMINER	
David E. Newhouse, Esq NEWHOUSE & ASSOCIATES 477 Ninth Ave. 112 San Mateo, CA 94402-1858			HADIDI, JON	
			ART UNIT	PAPER NUMBER
			2672	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/700,408	ANANYA, BRIGIT	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jon Hadidi	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 03 November 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1, 2, 3, 5, 7, 8, and 13 are objected to because of the following informalities: With regard to claims 1, 2, 3, 5, 7, 8, and 13, the method steps appear to be out of sequence. For example, with regard to claim 1, method steps vi-x are recited, but without steps i-v. With specific regard to claim 7, at the end of line 9, the period appears to be incorrect because more claim limitations follow at lines 10-13. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 6 and 14, the phrase "such as" renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-14 are directed towards a method, which consists solely of the manipulation of abstract ideas. See MPEP §2106.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watt, "Advanced Animation and Rendering Techniques", in view of Farin, "From Conics to NURBS: A Tutorial and Survey".

With regard to claims 5 and 13, Watt teaches (v) selecting a start point,  $a_0$  (see Watt, pages 75-76, section 3.3.3 "Bezier curves: differentiation", and Fig. 3.11, wherein point  $p_0$  is the start point); (vi) selecting a start tangent direction,  $e_0$  (see Watt, pages 75-76, section 3.3.3 "Bezier curves: differentiation", and Fig. 3.11, wherein  $Q(0)$  is the tangent vector at point  $p_0$ ); and (vii) selecting an end point,  $a_1$  (see Watt, pages 75-76, section 3.3.3 "Bezier curves: differentiation", and Fig. 3.11, wherein point  $p_3$  is the end point). Watt fails to explicitly describe the remaining limitations of claim 5. However, Farin teaches (viii) selecting a fixed weight,  $w$ , for the curve, whereupon the computer,

using any suitable mathematical formulae, then constructs a curve passing through the start point,  $a_0$ , and the end point  $a_1$ , where an end tangent direction  $e_1$  is automatically set by selected pre-defined program parameters (see Farin, Fig. 1 and pages 78-79, specifically the section entitled “Weight points”, wherein Fig. 1 shows the weight points  $q_0$  and  $q_1$  which defines the weight of the hyperbolic curve shown in Fig. 1, and wherein a computer is used to construct the hyperbolic curve passing between start point  $b_0$  and endpoint  $b_2$  because the curve is inherently generated with a CAD program – see the introduction on page 78 – and further wherein the tangent direction  $b_1b_2$  is inherently automatically set when the point  $p$  on the shoulder tangent is computed).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Watt to incorporate the computerized weight computations of Farin, because Farin's weight computations allow for non-compute intensive curve shape changes.

With regard to claims 6 and 14, the Watt/Farin combination teaches the selected fixed weight is a fixed cos-weight  $v$ , an arbitrarily defined positive parameter that utilizes a multiplication factor such as a trigonometric cosine relationship for computing a weight that limits a permitted range of peak points of the possible curves (see Farin, Fig. 1 and pages 78-79, specifically the section entitled “Weight points”, wherein the weights  $q_0$  and  $q_1$  are computed by multiplication factors which limit and define the range of peak point  $p$ ).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon Hadidi whose telephone number is 703-605-1187. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JH



RICHARD H. MOORE  
SILICON VALLEY PATENT ATTORNEY  
TECHNOLOGY GROUP PLLC